IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.231 OF 2006

Abdul Gani Mohiddin Bhatkar .. Applicant

Versus

Sharafat Abdulla Bahtkar & Ors. .. Respondents

Ms.Shama Ghotekar for applicant

M/s.Lambay & Co. for respondent No.1

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2006.

P.C.

. Rule. Delay of 38 days is sought to be condoned by relying upon a communication between Dist.Government Pleader’s office and the Law and

Judiciary Department, Mantralaya. Mr.Lambay states that after the amendment to Cr.P.C. now appeal has to be preferred against the impugned order in the sessions court and necessary application has to be made through Dist.Magistrate. He states that the said amendment has come into force and, therefore, revision would not lie.

2. Keeping all these objections of Mr.Lambay open so also issue of maintainability of revision, I condone the delay of 38 days in filing revision. Rule is made absolute in terms of prayer clause (a) of application. Revision to be placed for admission on 22nd January 2007. It is made clear that it would be open for Mr.Lambay to raise the issue of maintainability of revision, irrespective of the order condoning the delay.

(S.C.Dharmadhikari, J)